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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 06-00195 RMW
)	
Plaintiff,)	
)	STIPULATION AND []
v.)	ORDER CONTINUING HEARING DATE
)	AND EXCLUDING TIME
PIERRE DINH,)	
)	
Defendant.)	SAN JOSE VENUE
)	

The undersigned parties respectfully request that the change of plea hearing scheduled for Monday, June 2, 2008 be continued to Monday, July 14, 2008 at 9:00 a.m. The parties have reached a plea agreement, and the government needs additional time to finalize the paperwork. Defense counsel needs time to review the agreement with the defendant. The reason for the long continuance is due to the Court's schedule, and the respective parties' work and vacation schedules. The parties also request an exclusion of time under the Speedy Trial Act from June 2, 2008 to July 14, 2008. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for continuity and effective preparation of counsel.

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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

2
3 DATED: 5/30/08

/s/
SUSAN KNIGHT
Assistant United States Attorney

5 DATED: 5/30/08

/s/
DOUGLAS L. RAPPAPORT
Counsel for Mr. Dinh

8
9 Accordingly, for good cause shown, the Court HEREBY ORDERS that the change of plea
10 hearing scheduled for June 2, 2008 is vacated and rescheduled for July 14, 2008 at 9:00 a.m.

11 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from June
12 2, 2008 to July 14, 2008. The Court finds, based on the aforementioned reasons, that the ends of
13 justice served by granting the requested continuance outweigh the best interest of the public and
14 the defendant in a speedy trial. The failure to grant the requested continuance would deny
15 defense counsel reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
17 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
18 (B)(iv).

19 SO ORDERED.

20
21 DATED: 6/12/08

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge